

87th Legislative Session – 2012

Committee: Senate Agriculture and Natural Resources

Tuesday, February 21, 2012

P - Present  
E - Excused  
A - Absent

Roll Call

P Begalka  
P Frerichs  
P Fryslic  
P Hansen (Tom)  
P Rampelberg  
P Rhoden  
P Vehle  
P Maher, Vice-Chair  
P Krebs, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Shantel Krebs, Chair.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 16, 2012

Moved by: Hansen (Tom)  
Second by: Rhoden  
Action: Prevailed by voice vote.

HB 1117: provide for the taking of muskrats by shooting under certain conditions.

Presented by: Representative Dennis Feickert  
Proponents: John Kerstiens, SD Farmers Union  
Opponents: John Almquist, SD Trappers Assn.  
Kerry Hansen, Self, Colombia  
Bud Hart, Self, Conde  
Kevin Parmely, Self, Huron

Joyce Maras, DeSmet submitted letter of testimony in opposition of HB 1117 (Handout: #1)

FOLLOWING ASKED TO COME FORWARD TO ANSWER QUESTIONS:

Tony Leif, Department of Game, Fish and Parks

MOTION: DO PASS HB 1117

Moved by: Rhoden  
Second by: Maher  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1117 TO THE 41ST LEGISLATIVE DAY

Moved by: Fryslie  
Second by: Rampelberg  
Action: Failed by roll call vote. (4-5-0-0)

Voting Yes: Begalka, Fryslie, Hansen (Tom), Rampelberg

Voting No: Frerichs, Rhoden, Vehle, Maher, Krebs

THE MOTION TO DO PASS HB 1117

Moved by: Rampelberg  
Second by: Maher  
Action: PREVAILED BY ROLL CALL VOTE. (5-3-1-0)

Voting Yes: Frerichs, Rhoden, Vehle, Maher, Krebs

Voting No: Begalka, Fryslie, Rampelberg

Excused: Hansen (Tom)

HB 1188: provide widows and widowers of certain veterans free or reduced fees for certain hunting and fishing licenses and admission to state parks and other facilities.

Presented by: Representative Phil Jensen  
Opponents: Doug Hofer, Department of Game Fish and Parks

MOTION: DEFER HB 1188 TO THE 41ST LEGISLATIVE DAY

Moved by: Rhoden  
Second by: Frerichs

Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Begalka, Frerichs, Fryslie, Rampelberg, Rhoden, Vehle, Maher, Krebs

Excused: Hansen (Tom)

HB 1230: modify the publication requirements regarding the application for a well driller license or a well pump installer license.

Presented by: Representative Stace Nelson

Proponents: Steve Pirner, Department of Environment and Natural Resources

Opponents: Lorin Pankratz, SD Pork Producers

SD Soybean Association

Mary Duvall, SD Farm Bureau

Angela Ehlers, SD Association of Conservation Districts

MOTION: AMEND HB 1230

1230tb

On page 1, line 8, of the House engrossed bill, overstrike "a week for two successive weeks".

On page 1, line 9, delete "directly impacted".

On page 1, line 10, delete everything after "located" .

On page 1, line 11, delete everything before "." .

On page 1, line 13, after "." insert "If the official newspaper is a weekly newspaper, then the notice shall also be published at least once in a daily newspaper. The daily newspaper selected by the chief engineer shall be located as near as possible to the location where the water will be diverted or used. Public notice of the application shall also be posted on the department's website until final action is taken on the application.".

On page 1, line 13, overstrike "second".

On page 2, line 1, delete everything after "." .

On page 2, delete line 2.

On page 2, line 3, delete everything before "No" .

On page 3, after line 16, insert:

" Section 2. That § 46-2A-23 be amended to read as follows:

46-2A-23. Following the issuance of a recommendation to approve an application pursuant to § 46-2A-2, the chief engineer may publish, at the expense of the applicant, a notice to determine whether any person opposes the application or recommendation of the chief engineer. The notice shall be published as provided for in § 46-2A-4, and the notice shall contain the information provided for in subdivisions 46-2A-4(1), (2), (3), (5), (6), and (10). The notice is not required to refer to a board meeting or hearing date. In addition, the notice shall include a statement that if the applicant intends to contest the recommendation, the applicant shall file a petition with the chief engineer, and any interested person who intends to oppose or support the application or recommendation shall file a petition with the chief engineer and the applicant. Any petition shall be filed within ten days of the ~~second~~ published notice.

If no petition to contest the recommendation or to oppose an application is timely filed, the chief engineer, following receipt of proof of publication, shall act on the application consistent with the chief engineer's recommendation as provided by rules promulgated by the Water Management Board pursuant to chapter 1-26 delegating authority to the chief engineer to issue uncontested permits pursuant to §§ 46-1-16 and 46-2-3.1, without hearing by the board.

If a petition to contest the recommendation or to oppose the application is timely filed, the chief engineer shall provide notice of a board hearing pursuant to § 1-26-17. The notice shall also include a statement that the recommendation of the chief engineer is not final or binding upon the board and is subject to the decision of the board based on evidence and record of the public hearing. A statement shall also be included in the notice that the applicant or any interested person who has filed a petition to oppose or support an application, may file a written notice with the chief engineer requesting postponement of the original hearing date. The written notice requesting postponement shall be filed within twenty days of the date of the notice scheduling the board hearing, but not less than ten days before the date the application is scheduled for hearing. Upon timely receipt of a written notice, the chief engineer shall cancel the original hearing and reschedule the hearing not less than twenty days after the original hearing date. Notice of hearing shall be provided by personal service or by first class mail to the applicant and parties of record."

Moved by: Maher  
Second by: Frerichs  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1230 AS AMENDED

Moved by: Begalka

Second by: Frerichs

Action: Prevailed by roll call vote. (7-2-0-0)

Voting Yes: Begalka, Frerichs, Fryslie, Hansen (Tom), Rampelberg, Vehle, Maher

Voting No: Rhoden, Krebs

MOTION: ADJOURN

Moved by: Rampelberg

Second by: Frerichs

Action: Prevailed by voice vote.

Cindy Louder  
Committee Secretary

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Shantel Krebs, Chair